

REMARKS

Claims in the case are 1-4, upon entry of this amendment. Claims 1-4 have been amended, and Claim 5 has been cancelled herein. The claims have been amended as to form, e.g., by inserting indefinite and definite articles where appropriate, including indentation, and replacing "according to" with --of--. Additional amendments to the claims will be discussed further herein.

Claims 1-5 stand rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

The functionality of the polyester polyol of component b) in Claim 1 has been changed from "1 to 3" to --1.8 to 2.4--. Basis for this amendment is found at page 2, line 13 of the specification.

The language "with having" in component d) of Claim 1 has been replaced with --having--.

The term "esters" in component f) of Claim 1 has been replaced with --ester--.

Claim 5 has been cancelled, and the subject matter thereof (as to a recitation of additives) has been incorporated into component h) of Claim 1.

Claim 4 has been amended herein to clearly recite affirmative process steps.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to particularly point out and distinctly claim the subject matter which they regard as their invention. Reconsideration and withdrawal of this rejection is respectfully requested.

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to meet all the requirements of 35 U.S.C. §112. Further, Applicants' claims are deemed to define an invention that is unanticipated, unobvious and hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,

By



James R. Franks
Agent for Applicants
Reg. No. 42,552

Bayer Corporation
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-8339
FACSIMILE PHONE NUMBER:
(412) 777-8363
s/rmc/jrf/0103

VERSIONS WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS: (Marked-Up)

Claim 5 has been cancelled.

The following are versions of the amended claims with markings to show changes made thereto in the present Amendment.

1. (Once Amended, Marked-Up) A [P]polyurethane elastomer[s] comprising the product of the reaction of:

- a) at least one member selected from the group consisting of diisocyanate and[/or] polyisocyanate_i [with]
- b) at least one polyester polyol having an OH number of 20 to 280 and a functionality of [1 to 3] 1.8 to 2.4, and optionally_i [with]
- c) [one or more] at least one member selected from the group consisting of polyether polyol [or] and polyether ester polyol_i each having an OH number of 10 to 149 and a functionality of 2 to 8_i; and [optionally with]
- d) [one or more members selected from the group consisting of] optionally at least one member selected from the group consisting of (i) chain extenders having molecular weights lower than 800_i and (ii) crosslinking agents [with] having OH numbers of 150 to 1870_i [.]

in the presence of

- e) at least one amine catalyst,
- f) at least one member selected from the group consisting of (i) an ester[s] of a monobasic carboxylic acid_i [or] and (ii) an ester of a

polybasic carboxylic acid[s], the (first) dissociation constant (pK) of [which is] each being 0.5 to 4, [and optionally]

- g) optionally a foaming agent, and [optionally]
- h) optionally [one or more] at least one [conventional] additive[s,] selected from the group consisting of emulsifiers, foam stabilizers, cell-size regulators, flame retardants, nucleating agents, antioxidants, internal lubricants, demolding agents, colorants, dispersing agents, pigments, reaction retarders, aging stabilizers, plasticizers, fungicides and antibacteria agents,

wherein the maximum ratio of the number of ester groups [in said] of f) to the number of amino groups [in] of e) is 1.0.

2. (Once Amended, Marked-Up) The polyurethane elastomer [according to] of Claim 1 wherein [said] a) is a prepolymeric reaction product of 4,4'-diphenylmethane diisocyanate and polyester polyol.

3. (Once Amended, Marked-Up) A molded article comprising the polyurethane elastomer[s according to] of Claim 1.

4. (Once Amended, Marked-Up) A method [of using] comprising:

- (i) providing the polyurethane elastomer of Claim 1; and
- (ii) producing, from the polyurethane elastomer of Claim 1, a molded article [a member] selected from the group consisting of a roller, an elastic element and a shoe sole.